

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DOCKET NO. 04 M.D. 1598 (JSR)

===== X
: **IN RE EPHEDRA PRODUCTS** :
: **LIABILITY LITIGATION** :
===== X
:

KELLY WALKER,

Plaintiff,

v.

N.V.E. PHARMACEUTICALS, INC., et al.

Defendants.

===== X
PERTAINS TO DOCKET NO. 1:07-cv-8146 (JSR); 1:06-cv-13024 (JSR)

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12-12-07**

STIPULATION AND AGREED ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to this Court's Case Management Order No. 2, Plaintiff Kelly Walker, and Defendants N.V.E. Pharmaceuticals, Inc.; N.V.E., Inc. ("NVE, Inc."); Robert Occhifinto (individually and as an officer or agent of N.V.E., Inc.); and ZamZam, Inc., by and through counsel, being in agreement, hereby advise the Court that Plaintiff's Complaint against all Defendants, including Bashier Wholesale Distributors, Inc., should be dismissed, with prejudice, each party to bear its own costs.

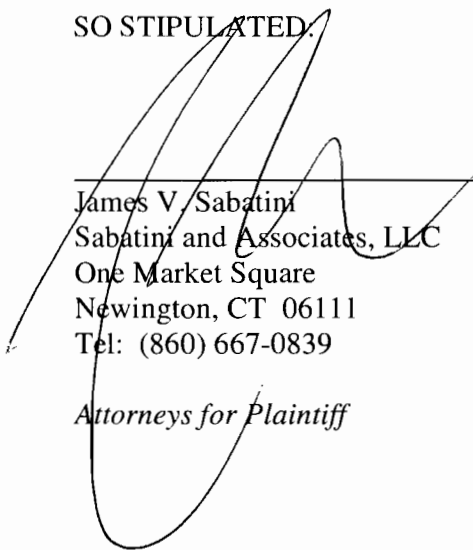
Based upon the agreement of the parties as set forth above;

IT IS ORDERED that Plaintiff's Complaint against all Defendants, be, and the same is hereby, DISMISSED, with prejudice, each party to bear its own costs.

SO ORDERED this 11th day of December, 2007.


JED S. RAKOFF
JUDGE, UNITED STATES DISTRICT COURT

SO STIPULATED.



James V. Sabatini
Sabatini and Associates, LLC
One Market Square
Newington, CT 06111
Tel: (860) 667-0839

Attorneys for Plaintiff

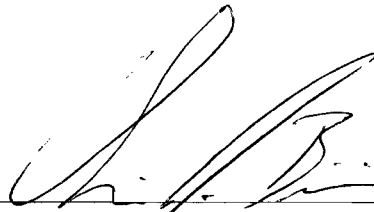

Steven Kirsch, Esq.
Murnane Brandt
30 East 7th Street, Suite 3200
St. Paul, Minnesota 55101
Tel: (651) 227-9411
Fax: (651) 223-5199
E-mail: skirsch@murnane.com

*Attorneys for Defendants NVE, Inc.
and Robert Occhifinto*

SEE ATTACHED


Christopher Buccini
Esty & Buckmir, L.L.C.
715 State Street
New Haven, CT 06511
Tel: (203) 495-9999

Attorneys for Defendant ZamZam, Inc.

A handwritten signature in black ink, appearing to read 'C. Buccini', is written over a horizontal line.

Christopher Buccini
Esty & Buckmir, L.L.C.
715 State Street
New Haven, CT 06511
Tel: (203) 495-9999

Attorneys for Defendant ZamZam, Inc.